

# EXHIBIT G

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1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 CHRISTA MCAULIFFE INTERMEDIATE  
4 SCHOOL PTO, INC., et al.,

5 PLAINTIFFS,

6 -against-

7 Case No.:

8 1:18-cv-11657

9  
10 BILL DE BLASIO, in his official  
11 capacity as mayor of New York, et al.,

12 DEFENDANTS,

13 -and-

14 TEENS TAKE CHARGE; HISPANIC FEDERATION; DESIS  
15 RISING UP AND MOVING; COALITION FOR ASIAN  
16 AMERICAN CHILDREN AND FAMILIES; O.R., a minor  
17 by and through his mother and next friend,  
ELIZABETH PIERRET; A.S., a minor by and through  
his father and next friend, ODUNLAMI SHOWA; C.M.,  
a minor by and through his mother and next friend,  
ROSA VELASQUEZ; K.B., a minor by and through  
her mother and next friend, TIFFANY M. BOND;  
N.D.F. and N.E.F., minor children by and through  
their mother and next friend, LAUREN R. MAHONEY,  
DEFENDANT-INTERVENORS.

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18 DATE: January 20, 2021  
19  
20 TIME: 11:28 A.M.

21  
22 DEPOSITION of an Expert Witness, JACOB  
23 VIGDOR, taken by the respective parties, pursuant to a  
24 Court Order and to the Federal Rules of Civil Procedure,  
25 taken via videoconference, before Jennifer Schwartz, a  
Notary Public of the State of New York.

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1 A P P E A R A N C E S:

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3 PACIFIC LEGAL FOUNDATION

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Attorneys for the Plaintiffs  
388 Atlantic Avenue  
Brooklyn, New York 11217  
BY: GLENN ROPER, ESQ.  
CHRIS KIESER, ESQ.

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JAMES E. JOHNSON, ESQ.

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CORPORATION COUNSEL

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NEW YORK CITY LAW DEPARTMENT

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Attorneys for the Defendants  
100 Church Street  
New York, New York 10007  
BY: SHARON SPRAYREGEN, ESQ.  
MARILYN RICHTER, ESQ.

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File #: 2018-094646

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Control #: 21-0109

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NAACP LEGAL DEFENSE AND EDUCATIONAL FUND

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Attorneys for the Defendant-Intervenors  
40 Rector Street, 5th Floor  
New York, New York 10006  
BY: RACHEL KLEINMAN, ESQ.

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ALSO PRESENT:

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Jacqueline Hsia  
Michael Scuello

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1 F E D E R A L S T I P U L A T I O N S

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4 IT IS HEREBY STIPULATED AND AGREED by and between  
5 the counsel for the respective parties herein that the  
6 sealing, filing and certification of the within deposition  
7 be waived; that the original of the deposition may be  
8 signed and sworn to by the witness before anyone authorized  
9 to administer an oath, with the same effect as if signed  
10 before a Judge of the Court; that an unsigned copy of the  
11 deposition may be used with the same force and effect as if  
12 signed by the witness, 30 days after service of the  
13 original & 1 copy of same upon counsel for the witness.

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15 IT IS FURTHER STIPULATED AND AGREED that all  
16 objections except as to form, are reserved to the time of  
17 trial.

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1 by the What Works Clearinghouse standards, "yes" or "no"?

2 MR. ROPER: Objection to form.

3 A. No.

4 Q. It would not meet the standards, is that what  
5 you're saying?

6 A. That is correct.

7 Q. Would it meet the standards with reservations?

8 A. My familiarity with the What Works Clearinghouse  
9 is not sufficient for me to state a confident answer to  
10 that question. I do not know specifically what it means to  
11 satisfy the standards with reservations.

12 Q. In your opinion, did the analyses conducted in  
13 the report regarding the behavioral changes meet the  
14 standards for analyses to be published in peer-reviewed  
15 publications?

16 A. Yes.

17 Q. I have one technical question for you: When you  
18 were analyzing the student data, did you look at offers to  
19 the Discovery program or invites to the Discovery program?

20 A. Invitations. So just to be clear, to make sure  
21 that I have my terminology straight, there's an invitation  
22 to Discovery, a student participates in Discovery, and --  
23 in the summer program and it's after that participation  
24 that a formal offer is made, and my analysis looked at  
25 invitations to Discovery, so the invitation to participate

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1 in the summer program.

2 MS. SPRAYREGEN: Can I -- I'm sorry to do  
3 this but can you put up the exhibit I recently  
4 e-mailed you. It is -- I believe it is Exhibit  
5 N. It's an Excel spreadsheet.

6 (Whereupon, an off-the-record discussion was  
7 held.)

8 Q. Dr. Vigdor, does that spreadsheet look at all  
9 familiar?

10 A. It is set up the same way as the spreadsheets  
11 that were delivered to me with the SHSAT test score and  
12 admissions data. I, of course, can't verify on the base of  
13 this whether this is identical.

14 Q. Thank you. That was sufficient. Do you see  
15 where it says in column R "invitation to Discovery"?

16 A. Yes.

17 Q. Do you see where it says in column T "approved to  
18 participate in Discovery"?

19 A. Yes.

20 Q. Do you recall which one of these two columns you  
21 used in your analyses?

22 MR. ROPER: Objection to form. And I don't  
23 think it's established that he used this  
24 spreadsheet specifically. If you're going to ask  
25 him if there were columns in this spreadsheet he

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1 C E R T I F I C A T E

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3 STATE OF NEW YORK )

: SS.:

4 COUNTY OF KINGS )

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6 I, JENNIFER SCHWARTZ, a Notary Public for and  
7 within the State of New York, do hereby certify:

8 That the witness whose examination is  
9 hereinbefore set forth was duly sworn and that such  
10 examination is a true record of the testimony given by that  
11 witness.

12 I further certify that I am not related to any  
13 of the parties to this action by blood or by marriage and  
14 that I am in no way interested in the outcome of this  
15 matter.

16 IN WITNESS WHEREOF, I have hereunto set my hand  
17 this 3rd day of February 2021.

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20 JENNIFER SCHWARTZ

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